

State v. James Arthur Ray
CR201080049

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State's Offer of Proof re: 404(b) Prior Sweat Lodge Events
Summary of Other Witnesses' Testimony

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Deputy

Introduction – Overview of Investigation

Witness: Yavapai County Sheriff's Office Detective Ross Diskin (Grand Jury Transcript (GJT), February 3, 2010)

- Experience and background (GJT, 9:17 -10:10)
 - Certified Police Officer for 8 years
 - Detective since 2006
- Lead detective in this case; has reviewed reports by all other officers (GJT, 10:19-24)
- Thursday, 10/8/09 911 call (GJT, 10:11-16)
- Scene described in Grand Jury Transcript (GJT, 11:4-12)
- 56 in SW
 - 47 paid – How much? (amounts differed – average \$9000, excluding room and board) (GJT, 18:3-13)
 - 20 transported to hospital
 - 2 people die that day, 3rd person died 10 days later
 - Kirby Brown, age 38 from New York, artist (GJT, 11: 21-25)
 - James Shore, age 40 from Milwaukee, owned web development company, 3 children ages 7, 9, 12 (GJT, 12:10-14)
 - Liz Neuman, age 49, Minnesota, database administrator, 3 adult children (GJT, 13:5-8)
- Cause of death according to autopsy reports (Exhibits 9, 10,11, Autopsy Reports)
 - Kirby Brown – heat stroke (Ex. 9)
 - James Shore – heat stroke (Ex. 10)
 - Liz Neuman – multi-system organ failure due to hyperthermia due to prolonged sweat lodge exposure (Ex. 11).
- In the course of investigation, Detective Diskin learned Defendant had conducted Spiritual Warrior (SW) at Angel Valley every year between 2003-2009 (GJT, 26:6-10)
- Interviewed some of the participants in past events as well as employees of JRI
 - Talked to approximately 60 witnesses re: prior sweat lodge ceremonies conducted by James Ray
 - Recorded the interviews
 - Almost all the witnesses live out of state

Summary of Prior Sweat Lodges

2003 Sweat Lodge

- **Marilyn Moss** (03, 05, 06-Dream Team Member) (Exhibit 106, Transcript of interview of Marilyn Moss, 11/22/09 (Audio also provided on Exhibit 120)
 - Not as extreme as 2005 (Ex. 106 at 611)
 - Vision Quest after sweat lodge ceremony (Ex. 106 at 604) (See also Martha Stem, Ex. 115 at 965)
 - "It was like having a drink after a couple rounds" (Ex. 106 at Bates at 603)
- **Tere Gingerella** Exhibit 101, Transcript Interview of Tere Ginerella, 11/1 & 2/10. (Audio also provided on Exhibit 120)
 - Worked for JRI 2001-2005 (Ex. 101 at 171)
 - Was able to stay in the whole time (Ex. 101 at 172)

2004 Sweat Lodge

- Susan Naves (Exhibit 107, Transcript of Interview of Susan Naves, 10/30/09 (audio also provided on Exhibit 120)
- Sweat Lodge in evening before V.Q. (Amayra Hamilton; S. Naves (Ex. 107 at 379)

2005 Sweat Lodge ceremony

- **Mickey Reynolds**-(Dream Team Member and coach) (Exhibit 113, Interview of Mickey Reynolds, 10/30/09 (Audio also provided on Exhibit 120)
 - Mickey sprayed people off (Ex. 113 at 129)
 - People were hitting the ground (Ex. 113 at 129)
 - Left after 6th round. Could hear people saying they wanted out and James Ray said "No, you need to sit down!" (Ex. 113 at 129)
- **Tere Gingerella** (Exhibit 101, Interview of Tere Ginerella, 11/1 & 2/10. (Audio also provided on Exhibit 120)
 - Employee for JRI 2001-2005 (Ex. 101 at 171)
 - A female was having trouble breathing and Tere told James Ray who responded "Be silent, the ceremony has begun." (Ex. 101 at 183)
 - As the ceremony ended it was like an "Insane Asylum." (Ex. 101 at 172)
 - Daniel was hallucinating and others were dropping to the ground. (Ex. 101 at 172)
 - James Ray left the area and everyone was asking Tere what to do. She didn't know what to do because she didn't know this could happen. She wasn't trained for this and didn't know CPR. (Ex. 101 at 173)

- Tere witnessed the altercation with Amayra and James Ray. Ray told Amayra to “back off.” Tere had to put her hand on Ray to try to calm him down. (Ex. 101 at 173-174)
- No one from JRI went to the hospital to check on Daniel. (Ex. 101 at 176)

Daniel Pfankuch

- **Michelle Pfankuch** (Exhibit 112, Interview of Michelle Pfankuch, 12/5/09 (audio also provided on Exhibit 120))
 - Daniel stayed in the whole time and did not want to leave. Michelle had to force Daniel out of the lodge (Ex. 112 at 884)
 - Daniel would not have gotten out if Michelle didn’t get him out. (Ex. 114 at 883-884)
 - Daniel was hallucinating, and hitting and kicking people. (Ex. 112 at 884)
 - Daniel was transported to the hospital. (Ex. 114 at 884)
 - Michelle laid next to Daniel and was pounding on his chest trying to get him to come back. (Ex. 114 at 884)
- **Daniel Pfankuch** (Exhibit 111, Interview of Daniel Pfankuch, 10/31/09 (audio also provided on Exhibit 120))
 - The sweat lodge was not conducted in a traditional Native American nature. (Ex. 111 at 874)
 - Daniel thinks he left his body and did not come back. He went to a peaceful place and did not want to come back. (Ex. 111 at 877)
 - No one told him he could really die. (Ex. 111 at 876)
 - Daniel was transported to the hospital but no one from JRI came to visit him. (Ex. 111 at 877)
 - Daniel talked to James Ray when he returned from the hospital. James Ray told Daniel that Ray let his ego get in the way and he needed to sit down and learn from this. (Ex. 111 at 880)
 - Daniel wanted an explanation from James Ray but James Ray never explained what happened. (Ex. 111 at 877)
 - James Ray never offered to pay Daniel’s medical bills. (Ex. 111 at 877) Daniel has not had a follow-up visit to the doctor because he can’t afford it. (Ex. 111 at 880-881)
 - Daniel said James Ray pushed people for his own gain. (Ex. 111 at 880)
- **David DuHaime** (Exhibit 95, Interview of David DuHaime, 10/29/09 (audio also provided on Exhibit 120))
 - Got a hose and sprayed Daniel’s head to cool his brain. (Ex. 95. at 417)
 - Believes he saved Daniel’s life. (Ex. 95 at 419)
 - James Ray left to go take a shower. (Ex. 95 at 417)

- Staff refused to call 911 without checking with James Ray. (Ex. 95 at 417)
 - David said he had to get very animated. (Ex. 95 at 420)
- **Marilyn Moss** (03, 05, 06-Dream Team Member) (Exhibit 106, Transcript of interview of Marilyn Moss, 11/22/09 (Audio also provided on Exhibit 120)
 - James Ray was disappointed when Mickey Reynolds left after the 6th round. (Ex. 106 at 612)
 - When people were having problems James Ray said “Let them do what they need to do.” (Ex. 106 at 616)
 - Daniel was confrontational and walking around swinging at people. (Ex. 106 at 616)
 - James Ray said Daniel was having an out of body experience. (Ex. 106 at 616)
 - James Ray said to Daniel, “Daniel come back, hey buddy come back, we need you here.” (Ex. 106 at 617)
- **Josh Fredrickson** (Exhibit 97 & 98, Transcripts of Interviews of Joshua Fredrickson, 11/10/09 & 1/14/10 (audio also provided on Ex. 120)
 - Employee for JRI 2005-2009 (Ex. 97 at 815)
 - Daniel was acting like a “belligerent drunk.” (Ex. 98 at 1100)
 - No one from JRI followed up with Daniel to determine what medically went wrong. (Ex. 98 at 1100)
- **911 Call**
 - Staff never was directed to call 911 if participants in distress (Josh Fredrickson, Ex. 98 at 1108)
 - Amayra called 911; James Ray was mad at her (Gingerella Transcript, Ex. 101 at 173-174)
 - James Ray yelled at Amayra like Tere has never heard before (Gingerella Transcript, Ex. 101 at 173)
 - James Ray says to Amayra “don’t waste your energy. I take care of my people-leave.” (Moss, Ex. 106 at 616)
- **James Ray fixated on Daniel’s “altered experience”**
 - James Ray focused on Daniel’s out of body experience. (Michelle Pfankuch Transcript, Ex. 112 at 887)
 - James Ray showed no concern about Daniel’s medical condition. (Ex. 112 at 886-887)
 - Michelle believes James saw this as a good thing. (Ex. 112 at 886-887)
- **James Ray is Confronted by Several People**
 - David Duhaime tells Ray the sweat lodge was “extraordinarily dangerous.” He told Ray that Daniel will be lucky if he doesn’t die. James Ray was dismissive. (Ex. 95 at 439-420)

- Mickey Reynolds confronts James Ray about having no staff around and about putting people at risk. (Ex. 113 at 131)
- Josh Fredrickson confirms that Amayra Hamilton told James Ray that this can not happen again at Angel Valley. (Ex. 98 at 1103)
- Marilyn Moss sent James Ray an email with concerns about the sweat lodge. James Ray later reprimanded her for sending the email. (Ex. 106 at 620-621)
- **Car ride to Phoenix, Josh, Megan, Tere, and James**
 - Ray is disappointed with staff not being able to handle the situation. (Gingerella Transcript, Ex. 101 at 173)
 - They discuss ways to better handle the situation. (Gingerella Transcript, Ex. 101 at 173)
- **Daniel Pfankuch's Verde Valley Medical Records, 10/16/05 (Exhibit 12)**
 - Treated by Dr. Omley (Dr. Omley has been contacted and is available to testify at trial.)
 - Diagnosis: Syncope - Heat Exposure (Ex. 12 at 2209)
 - Discharge instructions for heat exhaustion (Ex. 12 at 2213)

2007 Sweat Lodge

- **Susan Isaacs** (Exhibit 104, Transcript of Interview of Susan Issacs, 10/27/09 (audio also provided on Exhibit 120))
 - James Ray bragged that he had the hottest sweat lodge. (Ex. 104 at 324)
 - Ray exerted strong psychological pressure on participants to get them to stay inside the sweat lodge. (Ex. 104 at 323-324)
 - Susan was shocked at the staff's failure to help people in distress. (Ex. 104 at 321; 322)
 - One woman unconscious – did not regain consciousness until dinner (Ex. 104 at 321)
 - Medical intervention was needed. (Ex. 104 at 322)
- **Nancy Oglivy** (Exhibit 109 & 110, Transcript of Interview of Nancy Oglivy, 10/21/09 & 11/4/09 (Audio also provided on Exhibit 120)).
 - People were vomiting and James told us that was normal. (Exhibit 109 at 1298)

2008 Sweat Lodge

- **Danielle Koprowski** (See Exhibit 120, Includes Audio of Interview of Danielle Koprowski, 10/15/09 – No transcript available).
 - Danielle has been in about 25 other sweat lodges.
 - James Ray said you're not going to die in the sweat lodge, you'll feel like you're dying but you're more than that.
 - The message from James was to not trust your body and to push yourself.
 - 20 people got sick. Overheated and throwing up.

- It was like a war zone.
- No safety instructions given.
- **Julia Bunker** (Exhibit 93, Transcript of Interview of Julia Bunker, 4/23/10 (Audio also provided on Exhibit 120))
 - People were in distress during sweat lodge. (Ex. 93 at 4621-4622)
 - Julia only stayed inside for 2 rounds. (Ex. 93 at 4620)
 - Wrote transcript of 2008 Spiritual Warrior Event, see below statements. (Exhibit 128, Spiritual Warrior 2008 Notes prepared by Julia Bunker and e-mailed to the 2008 participants.)
 - Statements by James Ray prior to going in the sweat lodge from Julia Bunker's notes:
 - *You will be in an altered state in the lodge.* (Ex 128 at 2414)
 - *It will be hotter than hot.* (Ex 128 at 2414)
 - *Some of you may pass out, you won't die.* (Ex 128 at 2414)
 - *It's hot and you will not die.* (Ex 128 at 2415)
 - *It is very healthy.* (Ex 128 at 2415)
 - Statements made by participants after the sweat lodge from Julia Bunker's notes:
 - Participant: "I don't have my memory back yet. I am not all here. Thank you James. You have impacted my life. I honor you. I did the whole thing. I didn't remember Round 7." (Ex 128 at 2416)
 - JR responds: "...That was a crazy sweat lodge. Even Meghan wanted to get air. My mind was as fuzzy as yours." (Ex 128 at 2416)
 - Participant: "I feel like falling asleep and I don't think I am all there." (Ex 128 at 2418)
 - Participant: "I had a bizarre experience in the sweat lodge. Thanks to all that helped me. I am still a little loopy. Thanks. I appreciated it." (Ex 128 at 2419)
 - Participant: "I know I could have stayed longer and I didn't trust you. This is the first time I haven't been obedient. I am afraid of dying and I will work on that." (Ex 128 at 2419)
 - JR talking about sweat lodge: "It is called surrender. The moaning decreased. You get to a point when you are willing to push through all the pain and discomfort. You just surrender and that is the peaceful surrender. It is a state of "I am more than this". Yes, the body is screaming but it is OK. You have to be willing to push through. **You have to be willing to not get out.**" (Ex 128 at 2420)
- **Angela Riemma** (Exhibit 114, Transcript of Interview of Angela Riemma, 10/20/09) (audio also provided on Exhibit 120)
 - Has been to other sweat lodges with 12-20 people. James Ray's lodge has over 60 people. (Ex. 114 at 392)
 - Ray's sweat lodge was hotter than any other. (Ex. 114 at 391)
 - At the other sweat lodges people go outside to get water and cool off. James Ray suggests people stay inside the lodge the whole time. (Ex. 114 at 391)

- James Ray suggested participants stay in as long as they can because it would be a challenge and help them overcome other challenges in life. (Ex. 114 at 392)
- After the lodge there were many people lying on the ground getting hosed off. (Ex. 114 at 391)
- Angela said Chris and Susan had problems after the 2008 sweat lodge. (Ex. 114 at 392-393)
- **Susan Smyser** (Exhibit 116, Transcript of Interview of Susan Smyser, 1/20/10 (audio also provided on Exhibit 120))
 - Believes she almost died. She was really frightened and felt like her brain and her body had been cooked. She was lying on the ground frightened and did not know what to do. (Ex. 116 at 938)
 - She told a dream team member to go get James Ray because she was dying and needed his help to get to the other side. (Ex. 116 at 938)
 - No one called 911 but Susan believes they should have. (Ex. 116 at 945-946)
 - Susan said she was a mess and remembers seeing other people having the same problems she was. (Ex. 116 at 937-938)
 - Didn't feel normal again for two weeks. She felt like she was in the clouds somewhere. (Ex. 116 at 943)
 - Susan was not told about prior problems in the sweat lodge. This would have changed her decision to go in the sweat lodge. (Ex. 116 at 946)
 - Susan says Megan warned James Ray after 2008 that the sweat lodge was too hot. (Ex. 116 at 960)
- **Sheryl Stern** (Exhibit 117, Transcript of Interview of Sheryl Stern, 12/24/09) (audio also provided on Ex. 120)
 - Sheryl was a good friend of Liz Neuman. (Ex. 117 at 992)
 - Sheryl said during the 4th round it was too intense and too hot. Sheryl thought she was going to pass out. (Ex. 117 at 997)
 - Sheryl knew she couldn't afford to pass out because she was supposed to be helping people. She left after the 4th round. (Ex. 117 at 997)
 - Sheryl said she pulled 4 people out of the lodge in the 4th round because "they were so weak." (Ex. 117 at 998)
 - One man was having convulsions but he ended up being just fine. (Ex. 117 at 998)
 - James Ray sent a dream team member to go out and get Sheryl but she refused to go back in. (Ex. 117 at 998)
 - John DeMartino was hysterical and screaming for his girlfriend who was inside the lodge. His girlfriend was Michelle Goulet. (Ex. 117 at 999)
 - Sheryl lifted up the tarp on the sweat lodge to let air in. James Ray did not know she did this. (Ex. 117 at 999-1000)
 - Sheryl said the sweat lodge was way too hot and she told Megan it was too hot. (Ex. 117 at 1002)

- **Cynthia Manner** (Exhibit 105, Transcript of Interview of Cynthia Manner, 1/25/10) (audio also provided on Ex. 120)
 - Was faint exiting lodge, went down to the ground and couldn't get up. (Ex. 105 at 1388)
 - Saw Mary was unconscious, eyes rolling in the back of her head and was told "she's just having an out of body experience, she's coming back in, she'll be okay." (Ex. 105 at 1389)
 - Describes people vomiting and feces outside lodge. (Ex. 105 at 1389)
 - Cynthia sent Det. Diskin photographs via email on 02/12/10. Photos were taken with her camera by Joe Foley, (Ex. 105 at 1385). (Participants were not allowed to take photographs and she expresses concern about defendant suing her. (Ex. 105 at 1385). (The photographs with the description provided by Cynthia labeled on the back are at State's Exhibits 27-33. The Defense has submitted additional photographs at Defense Exhibits 34-70.)
- **Barbara Waters**, 08 participant, 09 Dream Team Member (Exhibit 118, Transcript of Interview of Barbara Waters, 10/21/09 (Audio also provided on Ex. 120) (Also interviewed 6/16/10, audio provided on Ex. 120, No transcript prepared)
 - Did not receive any medical attention beyond the dream team (Ex. 118 at 557)
 - There were no paramedics or other medical people there (Ex. 118 at 557)
 - Vicki Rock stated she needed to care for her in cabin after sweat lodge
 - Megan Fredrickson, JRI employee, confirms Barbara was unresponsive but says it was not a problem (Ex. 100 at 1157-1159)
 - Megan Fredrickson states James Ray said this could happen as a result of a sweat lodge. (Ex. 100 at 1159)
- **Lisa Rondan** (Transcript not prepared, Audio of interview provided on Ex. 120)
 - 2008 was her first Spiritual Warrior event
 - She left in the second round because it was too hot.
 - Lisa requested to be outside in 2009 because she ended up helping so many people the previous year.
 - Lisa was the "nurse" in 2009.
 - Lisa was not contracted to work in a nursing capacity by JRI
 - Lisa said she used her nursing background as an excuse to stay outside of the lodge in 2009.
 - Lisa has not been a nurse for a few years.
 - Josh Fredrickson said the fact that Lisa was a nurse was just a bonus. She was not selected to the Dream Team because she was a nurse. (Ex. 98 at 1126)
 - Megan Fredrickson confirmed Lisa was not chosen to be on the Dream Team because she was a nurse. (Ex. 100 at 1194-1195)

2009 Sweat Lodge

- **Dennis Mehravar incident** (Grand Jury Transcript (GJT), February 3, 2010)

- Dennis Mehravar said he tried to crawl out after fifth round, but passed out inside and doesn't know how he got out of the sweat lodge. (GJT at 72:5-8)
- When he came to outside, a dream team member was pouring water on him. He started throwing up severely and then felt like he was having a heart attack. (GJT at 72:9-11)
- Dennis started screaming that he didn't want to die. (GJT at 72:11-12; 73:9)
- James Ray asked who was screaming and when told it was Dennis, James Ray said, "Dennis Buddy, you need to pull it together." (GJT at 72:10-12)
- James Ray also told Dennis, "It's a good day to die." Some participants have stated this statement was metaphorical. (GJT at 73:16-19)
- Josh Fredrickson described Dennis Mehravar's behavior as being similar to Daniel's from 2005. (Ex. 98, J. Fredrickson Transcript at 1112)
- Josh Fredrickson said James Ray could have said to Dennis Mehravar that "It's a good day to die"). (Ex. 98, J. Fredrickson Transcript at 1112)
- After the sweat lodge, while people were doing CPR and in medical distress, James Ray told Dennis that "he was reborn." (GJT at 72:19-23)

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State's Offer of Proof re:404(b) Prior Sweat Lodge Events

Index of Supporting Exhibits

Tab/Exhibit No.	Description
93.	Transcript of Interview of Julia Bunker, April 23, 2010
94.	Transcript of Interview of Melanie Dodaro, November 1, 2009
95.	Transcript of Interview of David Duhaime, October 29, 2009
96.	Transcript of Interview of Bruce Duncan, November 12, 2009
97.	Transcript of Interview of Joshua Fredrickson, November 10, 2009
98.	Transcript of Interview of Joshua Fredrickson, January 14, 2010
99.	Transcript of Interview of Megan Fredrickson, November 18, 2009
100.	Transcript of Interview of Megan Fredrickson, January 14, 2010
101.	Transcript of Interview of Tere Ginerella, November 1 & 2, 2009
102.	Transcript of Interview of Michelle Goulet, January 14, 2010
103.	Transcript of Interview of Amanda Huffnung, December 15, 2009
104.	Transcript of Interview of Susan Issacs, October 27, 2009
105.	Transcript of Interview of Cynthia Manner, January 25, 2010
106.	Transcript of Interview of Marilyn Moss, November 22, 2010
107.	Transcript of Interview of Susan Naves, October 30, 2009
108.	Transcript of Interview of Patrick O'Brian, November 11, 2009
109.	Transcript of Interview of Nancy Olgelvy, October 21, 2009
110.	Transcript of Interview of Nancy Olgelvy, November 4, 2009
111.	Transcript of Interview of Daniel Pfankuch, October 31, 2009
112.	Transcript of Interview of Michelle Pfankuch, December 5, 2009
113.	Transcript of Interview of Mickey Reynolds, October 30, 2009
114.	Transcript of Interview of Angela Riemma, October 20, 2009
115.	Transcript of Interview of Martha Stem, January 20, 2010
116.	Transcript of Interview of Susan Smyser, January 20, 2010
117.	Transcript of Interview of Sheryl Stern, December 24, 2009
118.	Transcript of Interview of Barbara Waters, October 21, 2009
119.	Transcript of Interview of Karen Wendt, November 13, 2009
120.	CD containing audio of interviews
121.	Transcript of Interview of Mark Rock, September 21, 2010
128.	Spiritual Warrior 2008 – Notes, Prepared by Julia Bunker (48 pages)